

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

SAMANTHA SOHMER, Individually and  
on Behalf of All Others Similarly Situated,

Plaintiff,

vs.

UNITEDHEALTH GROUP INC.,  
UNITED HEALTHCARE SERVICES,  
INC., UNITED HEALTHCARE  
INSURANCE COMPANY, OPTUM, INC.,  
and OPTUMRX, INC.,

Defendants.

Case No. 18-cv-03191 (JNE/BRT)

**PLAINTIFF'S MOTION FOR CLASS CERTIFICATION**

Plaintiff Samantha Sohmer respectfully moves this Court for an order certifying the following class (the "Class"):

All members of group health plans administered by United HealthCare Services, Inc. and/or United HealthCare Insurance Company (together, "United"):

1. included on United's "list of plans with lesser-of-three logic language in the SPD for outpatient prescription drug purchases at retail Network Pharmacies that Defendants currently understand to have been adjudicated pursuant to lesser-of-two logic" ("L2 Adjudication List");
2. with a document effective date in the L2 Adjudication List between February 1, 2013 and December 31, 2016;
3. that are designated in Defendants' prescription drug transaction data as being governed by ERISA; and

4. for which United or its pharmacy benefit managers recouped member payments in excess of the Pharmacy Rate, as shown by the “CLAWBACK\_INDICATOR” field in the prescription drug transaction data.

For the reasons explained in the accompanying Memorandum of Law in Support of Plaintiff’s Motion for Class Certification (the “Memorandum”), and in light of the exhibits submitted with the Declaration of Mathew Jasinski in connection with the Memorandum, this proposed Class meets the requirements of Fed. R. Civ. P. 23(a) and Fed. R. Civ. P. 23(b)(1), (b)(2), and (b)(3).

Plaintiff also moves the Court for an order appointing as counsel to the Class: Mathew Jasinski (Motley Rice); Robert Izard (Izard Kindall & Raabe); Joseph Guglielmo (Scott+Scott); and Ron Kilgard (Keller Rohrbach). As explained in the Memorandum, these lawyers and their firms have worked together for many years on this litigation, are deeply experienced in ERISA litigation like this, and meet all the requirements of Fed. R. Civ. P. 23(g).

DATED: December 4, 2020

/s/ Amanda M. Williams

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